

Summary of Proposal to Add Rule 1.85 to Title 1, Chapter 1 of the Local Rules

Electronic Filing of Documents in Criminal Cases

The proposal to add rule 1.85, entitled ***Electronic filing of documents in criminal cases***, to the court's Local Rules ("Rules") is part of the court's continuing effort to review, correct, and update its rules as needed.

SUMMARY

The purpose of this new rule is to provide guidelines around the electronic filing of documents in Criminal matters, which will be possible with the launch of the Odyssey case management system in December 2015. The proposed rule was developed by the court with input from both the Criminal and Juvenile benches, as well as numerous Criminal and Juvenile justice partners and practitioners. The rules were edited based on the input received. The rule was also reviewed and approved by the Rules and Forms Committee.

***NEW* Rule 1.85. Electronic filing of documents in criminal cases**

(a) Preference for electronic filing

The court prefers that all filings in criminal matters be filed electronically.

(b) Methods of electronic filing

Parties may electronically file documents in two ways.

(1) Parties with computer systems that are integrated with the court's case management system may file directly through those systems. Parties with computer systems that are integrated with the court's system include the Alameda County District Attorney's Office, Alameda County Public Defender's Office, Alameda County Probation Department, Division of Adult Parole Operations of the California Department of Corrections and Rehabilitation, California Department of Child Support Services, and the California Department of Social Services.

(2) Parties that do not have computer systems that are integrated with the court's case management system must use one of the court's certified

Electronic Filing Service Providers (EFSPs). The court maintains a current list of certified EFSPs on its web site at <placeholder url>.

(c) Filing confidential documents or documents containing confidential information

Where authorized or required by law or court order, parties may designate all or portions of electronically filed documents as confidential. Information on filing confidential documents may be obtained through the filer's EFSP and the Court's web site at <placeholder url>.

(d) Date and time of filing

Parties may electronically transmit a document to the court at any time. Acceptance of a transmitted document for filing occurs on the (i) date the document is submitted, if the submission occurs between 12:00 a.m. and 11:59 p.m. on a day when the clerk's office is open for business, or (ii) next day when the clerk's office is open for business following submission of the document, if the submission occurs on a day when the clerk's office is closed.

(e) Confirmation of receipt

The court will provide an electronic confirmation to the filer indicating the date and time the document was received.

(f) Confirmation of filing

The court will provide an electronic confirmation to the filer indicating the date and time the document was filed.

(g) Errors in electronically filed documents

The filing party is solely responsible for the accuracy of the data and information contained in electronically filed documents.

(h) Hearing dates for electronically filed motions

Hearing dates and times for motions filed electronically under this rule shall be set in conformity with the procedures followed in the courtroom in which the motion will be set for hearing or heard.

(i) Courtesy copies of electronically filed documents

When any document is electronically filed in a criminal matter in connection with a hearing scheduled for two or fewer days from the date of filing, the filer must also deliver a paper copy to the department where the matter is scheduled to be heard.

(i) Electronic service

A party filing documents electronically under this rule is deemed to have consented to accepting electronic service of documents by all other parties and the court.

Rule 1.85 adopted effective January 1, 2016.